

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
1:19-CV-06034 (JPO)**

**FIRST AMENDED
COMPLAINT**

Plaintiff

Requests A Trial By Jury

SHERRY SCALERCIO-ISENBERG

-----X

(Plaintiff)

VS.

**MORGAN STANLEY SERVICES GROUP. INC.
MATTHEW DZIEDZIC,**

JAMES P. GORMAN, JEFF BRODSKY

KERRIE R. HESLIN

-----X

(DEFENDANTS)

I. Introduction and Background

As a Prose Plaintiff, I thank Your Honor for the opportunity to file a First Amended Complaint for this Civil Action, involving violations of my Civil Rights, under Title VII of The Civil Rights Act of 1964.

I bring this Complaint forward, not only, to pursue justice for my own self, but, to also, give a voice to any other business professional, MALE OR FEMALE, OF ANY AGE,SEX or other characteristic, who may have experienced similar Acts of Discrimination, Retaliation and overall egregious, hiring and employment practices AND MISCONDUCT, by the Defendants, And they could not fight back!

It is the right course of action to expose the Defendants' mean, vicious, behaviors, by which, together, in full conscience, they ALL took specific actions to Bully and Silence the Plaintiff in order to hide, what they all knew, was egregious behavior, and unlawful Actions in VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.

There could be NO, ETHICAL, justified, reason for Morgan Stanley employees and their legal representatives, to send the Plaintiff A vicious, letter filled with LIES and intimidation tactics! See Exhibit # MS.FAC.005. the Retaliatory Letter from Ms. Kerrie Heslin, esq.

I'm A Female Wallstreet professional, who was trying to return to the Wallstreet arena after a very scary, life-threatening, emergency surgery! The Defendants were attempting to hide their GUILT and exposure of TITLE VII VIOLATIONS! The Letter was drafted and sent, after, the Plaintiff raised an employment concern directly to the CEO of Morgan Stanley, Mr. James Gorman. Materials facts and supporting evidence follows.

II. Nature of the claims

Violation of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e *et seq.*, the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621–634, the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12112 *et seq.*,

III. HISTORY of The ADEA

The history of the ADEA’s enactment revealed that Congress was concerned not just with age discrimination within the workplace, **but also** with barriers to older workers finding employment in the first place.

In the Act’s **Purpose Statement**, the judge said, Congress described how older workers find themselves disadvantaged in their efforts to **regain employment** when displaced from their jobs.

IV. Causes of Action and Material Facts

COUNT I - AGE DISCRIMINATION and in violation of the

Age Discrimination in Employment ACT (ADEA)

29U.S.C. §621-634

1. I am a female senior management Executive,

- 2. reporting to the CEO and Board of Director level**
- 3. My Expertise is generally referred to as Liquidity risk management and**
- 4. Wallstreet Compliance.**
- 5. When I started**
- 6. applying to jobs on the Morgan Stanley job portal,**
- 7. I was Age 52 and I was trying to regain full-time employment in**
- 8. NYC, within the wallstreet arena, after, an extended break in my employment,**
- 9. related to a surgery complication for the**
- 10. removal of an**
- 11. arterial venous malformation (AVM) located**
- 12. on the surface of my brain [Brain AVM].**
- 13. A complication occurred whereby, instead of**
- 14. a week in the hospital and a 3-4-week recovery time,**
- 15. I was in Neuro ICU 11 days, [see**
- 16. Exhibit#MS.FAC.0010 ECF#33],**

- 17. THEN I was transferred from NY
Presbyterian hospital to**
- 18. Kessler Rehabilitation facility**
- 19. for 4 months of In-patient care,**
- 20. then 6 months of out-patient physical therapy to**
- 21. get back to walking.**
- 22. By January 2013, I returned to work part-time**
- 23. with a NYC firm, Actualize Consulting, that**
- 24. allowed me, to work from my home office, with
occasional, weekly and monthly meetings in the NYC
office.**
- 25. By January 2017, I was finally ready to return to**
- 26. a full-time job in NYC , in the wallstreet arena. I**
- 27. was walking fairly good, although, I wear a**
- 28. foot/ankle brace to assist me in walking, as**
- 29. THE COMPLICATION, caused a Left-side**
- 30. disability from the emergency condition.**

**(see Exhibit (MS.FAC.009 ECF#32) Neuro surgeon
Letter).**

- 31. In as early as December 2017, but primarily,**
- 32. starting in January 2018, I applied to a number of**
- 33. jobs posted on the Morgan Stanley job portal.**
- 34. See Exhibit [MS.MS.FAC.0014 Morgan Stanley Job**
- 35. portal screen].**

- 36. The Morgan Stanley Firm, and The Morgan Stanley NYC office, located at 1585 Broadway, was a desirable employment option for me to regain full-time employment, because, the location is within walking distance to/from the NY Port Authority Bus terminal, the place**
- 37. where I commute in/out of NYC, in order to use public transportation.**
- 38. In addition, I am familiar with the inner workings of Morgan Stanley , having been an Institutional Client of Morgan Stanley and also, I worked on a multi-million-dollar deal at**
- 39. Morgan Stanley when Mr. Gorman was the Chief Operating Officer of Morgan Stanley.**
- 40. In, or around February 2018, After applying to many jobs posted on the Morgan Stanley website, primarily jobs in the Risk Management area, located at 1585 Broadway New York, NY. Offices.**
- 41. I called the Head of North America recruiting, Mr. Matt Dziedzic.**
- 42. I was seeking feedback and help, with respect to, why, I was being eliminated from consideration for**
- 43. ALL jobs in the Risk management area, NYC office.**
- 44. The job portal screen showed , I had made 26 job application Submissions, See Exhibit MS.FAC.0014 [Job submission screen].**

45. I wanted to understand the details of why
46. I was not being contacted by phone
47. or email for an interview, or at least
48. an introductory phone interview.
49. If, there was a technical glitch of some kind,
50. I wanted to correct the issue that
51. was preventing my resume and application
52. from being considered and advancing ME to
an interview.
53. Especially since, I was confident that I was
qualified, based on the Job details that were
publicly posted, in addition to my
54. education and experience, which includes a
Bachelor of Science degree in Finance
55. an MBA in Finance with an
56. Applied Thesis in M&A and many years of
57. Liquidity Risk management experience,
58. in a variety of roles and positions at
59. several different firms within the Banking
and Wallstreet market.
60. The first call with Mr. Dziedzic was
alarming!

- 61. HE immediately launched into an attack regarding The format of my resume! A Resume format, which previously,**
- Landed me two Sr. mgmt positions in my area of expertise; which is generally, referred to as,**
- 62. Liquidity Risk mgmt and wallstreet Compliance.**
- 63. Mr. Dziedzic, discussed nothing**
- 64. about the exemplary qualifications detailed in my resume. He continued the attack on My Resume**
- 65. for 2-3 minutes, abruptly, stating,**
- 66. Baseless and nonsensical criticism. He didn't like the format of my resume,**
- 67. He didn't like words bolded for emphasis, or words Underlined to draw attention to a**
- 68. particular, important**
- 69. qualification.**
- 70. The conduct of Mr. Dziedzic became even more harsh and baseless, when I responded, "my resume format was**
- 71. professionally, done"**

- 72. And furthermore, I stated; “ bolded or underlined words are**
- 73. helpful to the hiring manager, in order to, quickly draw**
- 74. attention to the most relevant and important items.”**
- 75. I went on to say to Mr. Dziedzic;**
- 76. “I’ve interviewed and hired**
- 77. many people, I always appreciate bolded or underlined**
- 78. Words, that draw my attention to qualifications**
- 79. that match the job requirements, I’ve written in the**
- 80. Job description”.**
- 81. And Furthermore, this exact Resume Format, landed me two previous sr. mgmt level positions in Risk mgmt and Wallstreet Compliance.**
- 82. Mr. Dziedzic responded, angrily, stating , “Well! That’s My Opinion!”**
- 83. and I think it looks bad and disorganized!**

84. **AND further, that's a BAD reflection upon YOU**
85. **And, the hiring manager doesn't like how it looks!**
86. **These statements made by Mr. Dziedzic, were said in an angry , harsh tone! An Intimidation tactic !**
87. **By March 2018, I decided to try to find a way around the Road block with Mr. Dziedzic,**
88. **HE had an Authoritarian- like**
89. **control over ALL Risk management jobs located in the NYC offices.**
90. **I contacted Victoria Heimann, a Morgan Stanley Sr. Lead Recruiter, based in the Pennsylvania office.**
91. **Victoria and I had several phone calls discussing my job application submissions, and she provided information about the Morgan Stanley organizational structure and confirmed, Matt Dziedzic is the HR. Executive Director of Recruiting and he is responsible for the hiring**

process of ALL Risk management jobs LOCATED in NYC.

92. Victoria and I continued to collaborate on my Resume and Risk Management jobs posted on the Morgan Stanley job portal. See Exhibit # MS.FAC.0013, Exhibit t# MS.FAC.0014 and Exhibit MS.FAC.0015

93. During the month of May 2018, I continued to apply to jobs

94. in the Risk management area of Morgan Stanley and

95. requested feedback from Mr. Dziedzic, many times.

96. I wanted to understand why, I was still being eliminated from

97. employment consideration.

98. Mr. Dziedzic refused to respond!

99. In an email exchange on Wednesday

100. May 9, 2018 and

101. Thursday May 10, 2018, between Sherry Scalercio-Isenberg

102. And Ms. Victoria Heimann,

103. Ms. Heimann writes to Sherry:

104. "Thank you for the kind words! I will be in New York on Monday and can catch up with Matt and some other Recruiters." See Exhibit#[MS.FAC.0013 [Ms. Heimann emails].

105. By May 22,2018, I was still continuing to be persistent with my follow up to Mr. Dziedzic.

106. I knew Mr. Dziedzic was receiving and reading my emails I sent, because, I was checking the Microsoft Outlook email tracking Receipts, which electronically, confirms when an email is delivered and when the email is read.

107. My extensive experience in:

108. writing Job Descriptions, working with Recruiters,

**109. Reviewing resumes, interviewing Candidates
and**

**110. Writing job offers , that experience,
compared against the way I was being treated by**

111. Matt Dziedzic, whereby, he was not responding to any of my requests for feedback to help me understand, why, I was being eliminated from employment consideration for every Risk management job application I submitted!

112. The combination of those facts, AND

113. the empirical data, was now sufficient evidence pointing to

114. TITLE VII VIOLATIONS

115. And further validation, of why, Victoria had gently guided me to remove dates and many jobs, from my resume, although it was relevant information detailing my experience.

Count II (TWO)

Disability Discrimination
and in violation of
THE AMERICANS WITH
DISABILITIES
ACT (“ADA) ,
42U.S.C.§12112 ET SEQ.

116. **I HAVE A Left side disability , [see**
Exhibit #MS.FAC.009]

117. **At two points in time, during the**
Application process, and during the phone call

118. **interview with Alison Guerzon, I disclosed**
information about my

- 119. disability in order to answer the questions**
- 120. truthfully and with full context.**
- 121. It was during the phone call with Alison that**
- 122. she told me about the**
- 123. Return To Work Program at Morgan Stanley.**
- 124. The program is under the management of**
- 125. Mr. Jeff Brodsky, Chief Human resources
Officer, who reports to Mr. James Gorman**
- 126. On Tuesday, May 15,2018, I had email**
- 127. communications with Alison Guerzon, Morgan
Stanley HR Recruiter, scheduling and confirming**
- 128. an interview call for Thursday**
- 129. May 17,2018, to review my Resume,**
- 130. Background and qualifications.**
- 131. See **Exhibit #** MS.FAC.003 email with Alison
Guerzon.**
- 132. I was connected with Alison Guerzon after,
Victoria**
- 133. Heiman's visit to the NYC office,**
- 134. whereby she spoke to Matt Dziedzic.**

135. A few days after her visit, we spoke on the phone as follow up to her NYC visit.

136. As part Of the conversation, she said, [in a “coaching, nice way]”,

137. “At our Age”, we’ve done a lot, we have a lot of experience

138. you want to tell your story of success, but,

139. you don’t want to intimidate the hiring manager.

140. We continued to talk through details, she stated, the hiring manager is intimidated by my qualifications that are detailed on my resume.

141. She suggested I remove jobs beyond, 5 years , even though they

142. may be relevant. And directly support my qualifications for the job.

143. I took her advice; HOWEVER, my Age, experience,

144. and qualifications were already exposed by my college graduation dates and several liquidity

145. risk mgmt positions I held.

After the call concluded, I was encouraged and

**146. hopeful, that finally! I might be able to find
a way to get around the**

**147. road block with Matt Dziedzic and the
hurdle of explaining and justifying, why,**

148. I had such a long break in my

149. Employment.

**Count III (THREE) RETALIATION AND
IN VIOLATION OF BLACKBALLING**

**The Legal Definition of Blackballing
is:**

“The process of Blackballing is an exclusionary one

**150. in which a current, former, or future
employee is**

**151. inequitably denied the right to participate in
the**

152. business arena.”

153. Material Facts:

154. On June4 ,2018

155. I sent an email to Mr. Gorman , the CEO of Morgan Stanley, to get some help.

156. Liquidity risk management is a critical, operation in every company, especially, Wallstreet firms, whereby , they are often, Liquidity providers to big Corporations.

157. Therefore, in a firm like Morgan Stanley, Liquidity Risk management, usually,

158. reports directly to the CEO.

159. In the June 4,2018, email that I sent to Mr. James Gorman, CEO,

160. See Exhibit#MS.FAC.004.

161. I chose my words carefully! Never using Title VII words.

162. I specifically stated, “ something seemed strange”.

163. I DID NOT copy anyone on the email

**164. Nor, did I tell anyone I sent it! I wanted
HELP from Mr. Gorman,**

**165. leaving the email conversation wide-open
for a response and**

166. help!

167. Mr. Gorman forwarded my email to Ms. Leslie Bazos, his

168. Assistant/Chief of Staff.

**169. Mr. Gorman writes to Ms. Bazos, quote “I have no idea what this is, please handle.” End of quote.
See Exhibit# MS.FAC.004**

170. I received NO help from Mr. Gorman!

171. Instead, What I received,

172. 3 days after I raised a concern, was a vicious Letter

173. from Ms. Kerrie Heslin, identifying

174. herself as Legal Counsel for Morgan Stanley!

175. The letter, Dated, June 7,2018, was

176. A Threatening, harassing letter

177. containing many lies, used as

**178. intimidation tactics, Blackballing me,
and telling me, all hiring decisions are based
on**

179. “Legitimate” business reasons

180. AND further, stating and inferring,

181. by the words and tone;

182. If, I use any form of communications to talk about

183. Morgan Stanley's actions, Ms.

184. Heslin, would report me to Criminal Authorities, AS IF!

185. I DID SOMETHING WRONG! And it's against the law to raise

186. a valid concern to Mr. James Gorman!

187. Blackballing me and threatening me is

188. Against the law!

189. See Exhibit#MS.FAC.005 Heslin Retaliation Letter

190. The Letter was Intended to

191. intimidate me and

192. cause me severe emotional distress in order to silence me from

193. telling anyone about the Letter!

194. **Ms. Kerrie Heslin, legal representative of
Morgan Stanley and her paralegal, Ms. Justine
Vincent, who typed the letter, and sent it FEDEX
overnight delivery and then,**
195. **emailed the letter to me;**
196. **they both wanted to**

197. **ensure I received the letter quickly, to shut
me up!**

198. **And gauge my reaction!**

199. **COUNT IV – GENDER ISCRIMINATION
And in violation of Title VII of the Civil
Rights Act of 1964.**

200. **My first and only phone call with Mr.
Dziedzic was a sincere effort on My part,
to get feedback as to**

201. **what I needed to do**

202. **differently, in order to advance to the
“interview” stage, of jobs I was applying
to.**

203. **Initiating a phone call with Mr.
Dziedzic was a reasonable and prudent
course of action.**

204. **Mr. Dziedzic’s abrupt, verbally abusive**

205. **Response, was not professional and in
NO way, was he opening the door, TO
HELP ME**

206. advance to an interview stage! His response was to shut the door and ignore me for months, until he could eventually make me go away!

207. The exact details of Who Ordered the Retaliation Letter and which Defendant was Leading the efforts of Blackballing me, can only be fully uncovered through Litigation with Interrogatories, subpoenas to produce Documents, text messages and take Depositions. A full Discovery process is needed.

208. The EEOC Investigator said, they have limited resources and could not get some of the details I requested.

209. This type of misconduct by the defendants may not be the first time, however, it's likely the FIRST time a person has Dared to stand up

210. Against the Morgan Stanley vicious Team and not run away after receiving a vicious Letter from a Lawyer who's supposed to uphold the law!

211. In the 70's there were the "dirty cops" in NYC Precinct Seven Five,

212. these are "Dirty Lawyers" of Morgan Stanley at NFC LAWFIRM!

213. As a final attempt, in hopes to find
214. one ethical, Morgan Stanley, Sr.
Management executive, in the NYC
offices, I personally, delivered a letter with
many Exhibits to Mr. Jeff Brodsky, Chief
Human Resources Officer. He is supposed
to be the person that helps people return
to work via the Morgan Stanley "Return
To Work Program. " See **Exhibit**
#MS.FAC.0012.

I DID NOT RECEIVE ANY RESPONSE FROM Mr.
Brodsky! I was Blackballed, because I
raised a legitimate employment concern!

Application information is tracked by
Morgan Stanley. Below is information on

The Morgan Stanley job portal.

**215. Discriminatory questions are part of the
online application.**

Questions must be answered in order to progress to the
next application screen. Morgan Stanley online
application screen states the following:

216. United States

For positions located in the United States: It is the policy of Morgan Stanley to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, creed, age, sex, sex stereotype, gender, gender identity or expression, transgender, sexual orientation, national origin, citizenship, disability, marital and civil partnership/union status, pregnancy, veteran or military service status, genetic information or any other characteristic protected by law.

217. To help Morgan Stanley comply with federal/state equal employment

opportunity record keeping, reporting and other legal requirements,

we would appreciate your voluntarily answering the questions listed below.

You are NOT required to answer them. Refusal to provide the requested information will not result in adverse treatment. Your answers will not affect the consideration of your job-related qualifications. The information you provide on this form will be **kept in a confidential file** separate from your application for employment.

The information is stored!

****At the time I applied to positions posted on the Morgan Stanley job portal the following questions were required to be answered in order to progress to the next screen:**

Disability question:

1. Do you have a Disability? YES , NO, or I Do not wish to answer.

**A selection was required to progress to the next screen!
Therefore, a candidate such as I, either had to Lie and select NO or tell the truth and be exposed to potential Discrimination.**

The un- written and quietly spoken rule is: “Do not hire anyone with a disability, too difficult to get rid of them!

“SCREEN OUT” CANDIDATE questions disguised as VOLUNTARY DIVERSITY QUESTIONS.

If these questions are truly voluntary, then,

WHY, IS THERE NO OPTION to SKIP THE PAGE BY CLICKING ON THE “FORWARD ARROW



The true Answer is: Because these questions ARE MANDATORY and must BE ANSWERED WITH AT LEAST ONE SELECTION! AND allows the HR DEPT AND HIRING MANAGERS TO

**SCREEN OUT PEOPLE, THEY DON'T WANT TO INTERVIEW, AND
ALLOWS THEM TO HIDE TITLE VII VIOLATIONS!**

NO INTERVIEW MITIGATES Human Resource (HR) RISK!

**HR SAYS; WE DIDN'T SEE YOU, SO, WE DIDN'T SEE YOUR
DISABILITY, WE DON'T KNOW IF YOU ARE BLACK, WHITE, ASIAN,
BLONDE, BRUNETTE..... SHORT, TALL, YOUNG, OLD,ETC. YOU
VOLUNTARILY ASWERED THE DISCRIMINATORY, SO-CALLED
“DIVERSITY” QUESTIONS, AND SINCE WE DIDN'T GIVE YOU AN
INTERVIEW AND WE DIDN'T SEE YOU , WE DON'T KNOW IF YOU
LIED ABOUT A DISABILITY.**

**THAT IS HOW, MORGAN STANLEY HIDES TITLE VII
VIOLATIONS!**

DEMAND FOR JURY

Plaintiff Demands a Jury Trial for all issues

Prayer for Relief

**Wherefore, the Plaintiff requests that a judgement be entered on the
Plaintiff's behalf against Morgan Stanley Services Group, Inc. et al.,
for the following:**

One million, two hundred ninety-five thousand dollars

\$1,295,000.0, which is equivalent to the salary range of approximately

7 YEARS OF SALARY & Benefits for the Risk management Positions at my level.

and any other further relief as the court may deem just and proper.

The Plaintiff respectfully requests, an amount impactful enough, to deter Bank CEO's from intentionally ignoring and covering up

TITLE VII VIOLATIONS, WHILE Falsely claiming to be EEOC Compliant!

See Exhibit # MS.FAC.006

AND

Exhibit # MS.FAC.007

[EEOC CHARGE AND NOTICE OF RIGHT TO SUE].

I respectfully, ask the court to send a strong message to the many Wallstreet CEO's who make millions off our Banking system, and willingly violate Federal laws, knowing, they are protected

**by the big corporate Logo AND MONEY! Please
Hold Morgan Stanley Accountable for knowingly
and willing, violating civil Rights laws.**

**They should be punished for CREATING A
FAÇADE, like THE RETURN TO WORK PROGRAM!**

AND FOR,

**RETALIATING AGAINST ANYONE WHO HAS THE
TENACITY TO CHALLENGE AN EMPLOYMENT
HIRING PRACTICE at MORGAN STANLEY, OR ANY
OTHER WALLSTREET FIRM!**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Sherry Scalercio-Isenberg". The signature is stylized with large, flowing letters.

Sherry Scalercio-Isenberg
Phone: 973-534-7095

January 20, 2020